



STATE BOARD OF EQUALIZATION
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No. 2005/008

January 14, 2005

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

PROPOSED NEW PROPERTY TAX RULE

Honorable Claude Parrish, Chairman of the Board's Property Tax Committee, has requested that the rulemaking process be initiated for a proposed new rule pertaining to property used for the refining of petroleum. The proposed rule is Property Tax Rule 474 and is tentatively titled *Petroleum Refining Properties*.

Enclosed is draft language for Rule 474. The rule will be discussed at the Board's Property Tax Committee meeting scheduled for March 22, 2005. Interested parties may provide comments at the Committee meeting, or may submit comments or suggestions prior to the meeting by sending them to Mr. David Yeung at david.yeung@boe.ca.gov, or by faxing them to (916) 323-8765.

If you have questions regarding this project, you may contact David Yeung at (916) 324-2812.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:sk
Enclosure

RULE 474. PETROLEUM REFINING PROPERTIES.

Authority Cited: Section 15606(c), Government Code
Reference: Article XIII, Section 1, and Article XIII A, Section 2, California Constitution
Sections 51, 53.5, and 110.1, Revenue and Taxation Code

(a) The provisions of this rule apply to the valuation of the real property, personal property, and fixtures used for the refining of petroleum.

(b) GENERAL.

(1) The unique nature of property used for the refining of petroleum requires the application of specialized appraisal techniques designed to satisfy the requirements of article XIII, section 1, and article XIII A, section 2, of the California Constitution. To this end, petroleum refineries and other real and personal property associated therewith shall be valued pursuant to the principles and procedures set forth in this section.

(2) Notwithstanding any other provision in this section, any appropriate valuation method described in section 3 of title 18 of this code may be applied in the event of a change in ownership in a petroleum refining property.

(c) DEFINITIONS. For the purposes of this section:

(1) "Petroleum refining property" means any industrial plant, including real property, personal property, and fixtures, used for the refining of petroleum, as identified in Standard Industrial Classification (SIC) System Codes 2911 and 2992, or North American Industry Classification System (NAICS) Codes 32411 and 324191.

(2) "Appraisal unit" consists of the real and personal property that persons in the marketplace commonly buy and sell as a unit.

(d) DECLINES IN VALUE. For the purposes of this section:

(1) Declines in value of petroleum refining properties will be determined by comparing the current lien date full value of the appraisal unit to the indexed base year full value of the same unit.

(2) The land, improvements, and fixtures and other machinery and equipment classified as improvements for a petroleum refining property are rebuttably presumed to constitute a single appraisal unit, except when measuring declines in value caused by disaster, in which case land shall constitute a separate unit.

(3) In rebutting this presumption, the assessor may consider evidence that:

(A) The land and improvements including fixtures and other machinery and equipment classified as improvements are not under common ownership or control and do not typically transfer in the marketplace as one economic unit; or,

(B) When the fixtures and other machinery and equipment classified as improvements are not functionally and physically integrated with the realty and do not operate together as one economic unit.